IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3406 OF 2007

...

Shri Krishna Bhagoji Pasare ...Petitioner

v/s.

The Kolhapur Zilla Parishad

and others ...Respondents

...

Mr.V.V.Pai for the Petitioner.

Mr.R.D.Rane, G.P. for the State.

...

CORAM: D.K.DESHMUKH &

V.M.KANADE, JJ.

DATED: 22ND NOVEMBER, 2007

P.C.:

1. Admittedly the Petitioner was removed from service for misconduct. He was found guilty by the

criminal court of an offence punishable under Section 409 of the IPC. The Petitioner applied for the grant of pension on compassionate ground under Rule 101 of the Pension Rules. The Government has declined to grant him pension. Perusal of the application made by the Petitioner himself shows that he had not completed pensionable service. The Government considered the misconduct and declined to allow the pension to the Petitioner on the compassionate ground.

2. The submission of the learned Counsel is that initially the Government had made an order for granting pension to the Petitioner, but that order has been cancelled by the State Government.

3. The initial order which is alleged to have been made by the State Government has not been produced by the Petitioner. He produced a letter from the office of the Account General.

4. In our opinion, even assuming that initially the Government has made an order allowing pension, thereafter the State Government cancelled it, this court in its extra ordinary jurisdiction under

Article 226 can not interfere with that order, considering that the Petitioner was found guilty for temporarily misappropriating the fund of Zilla-Parishad and he has also not completed the pensionable service, the Petitioner is not entitled to any interference at the hands of this court in his favour. Petition is, therefore, disposed of.

(D.K.DESHMUKH, J.)

(V.M.KANADE, J.)